

To: R3 EVERYONE[R3_EVERYONE@epa.gov]; Howell, Amie[Howell.Amie@epa.gov]; Kline, James[Kline.James@epa.gov]; Johnson, Larry-C[Johnson.Larry-C@epa.gov]
From: Seneca, Roy
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EPA Mid-Atlantic Region Headlines

Thursday, April 24, 2014

*** DAILY HOT LIST ***

Environmental groups file to intervene in Sunoco Pipeline case

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Battle lines form as Pa. proposes new power plant regs

GREENWIRE A newly published Pennsylvania [state proposal](#) to regulate air pollution from coal-fired power plants is raising the hackles of environmentalists, who say it does too little to cut down nitrogen oxides (NOx) and volatile organic compounds that have helped put much of the state out of compliance with the federal Clean Air Act. State regulators say the plan has gone through multiple committees and will help protect public health as well as ensure reliable electricity for residents and businesses. The Sierra Club and others question why the biggest power plants aren't being required to always use already-installed technology that dramatically reduces emissions of NOx, which helps form smog. "The data we have on their emissions

indicates that many of them are not operating this emission control technology consistently, which means they're polluting about 40 percent more in terms of NOx than they could be," said Tom Schuster, senior Pennsylvania campaign representative at the Sierra Club. So why doesn't the utility industry, which has given more than a million dollars to Pennsylvania politicians every election year since 2006, run its pollution-reduction technologies all the time to cut emissions? "Only the operators know, but I can speculate it saves them a little bit of money to do that because all the power plants in Pennsylvania sell power based on whoever is cheapest at the time, so if they can bid their electricity into the market a little bit cheaper, that's what they'll do," Schuster said. "But unfortunately, it puts the public health at risk, and we think that's unacceptable."

MSHA rule cuts miners' coal dust exposure

CHARLESTON GAZETTE The Obama administration on Wednesday finalized a long-awaited rule aimed at protecting coal miners from black lung by reducing their exposure to dust that causes the deadly disease. U.S. Department of Labor officials say the new rule will lower legal dust-exposure limits, close loopholes and improve sampling practices. The changes are part of the agency's broad effort to end a disease that continues to kill miners, more than four decades after a federal law made eliminating such deaths a national priority. "Working should never be a death sentence in America," Labor Secretary Thomas E. Perez told reporters. Officials said the final rule will increase sampling in mines and make use of new technology to provide real-time information about dust levels, allowing miners and coal operators to make adjustments, instead of letting overexposures continue. The rule will be phased in over a two-year period "to give the industry the time it needs to adjust to the new requirements," the Labor Department said. "We are finally moving forward to overhaul an outdated program that has failed to adequately protect miners from breathing unhealthy levels of coal mine dust and achieving the intent of Congress to eliminate black lung disease," said Joe Main, director of the Mine Safety and Health Administration. Perez and Main announced the new rule at an event in Morgantown, just two days after the final rule emerged from the White House's Office of Management and Budget, where it had been undergoing an economic review since last August.

EPA Considering Spill Prevention Rule, Other Measures for Storage Tanks

BNA DAILY ENVIRONMENT REPORT The Environmental Protection is considering a number of options to prevent and respond to spills from aboveground storage tanks containing hazardous substances, including possible mandatory spill prevention, containment and countermeasure rules for the tanks. Other options include strengthening the planning and preparedness capabilities of local responders and standardizing best practices for drinking water utilities, the EPA said April 23. The agency was responding to Bloomberg BNA questions about its regulation of chemical above-ground storage tanks raised by the leak Jan. 9 from a Freedom Industries aboveground storage tank in Charleston, W.Va. The incident sent thousands of gallons of chemicals into West Virginia's Elk River, contaminating a public drinking water system serving 300,000 people. The EPA said in a statement e-mailed to Bloomberg BNA that the issues raised by the Freedom Industries chemical spill will be addressed in interagency recommendations to be made to President Barack Obama, pursuant to his August 2013 chemical

security executive order

Rockbridge County hosts hazardous materials drill

ROANOKE TIMES LEXINGTON -- In bulletproof vests and flame-retardant coats, they stood outside the turn-of-the-century farmhouse and discussed what went wrong and what went right. The officers, armed with enough weaponry to take down an outlaw biker gang, were lauded for pulling back when they recognized the potentially explosive hazardous chemicals. The firefighters, still sweaty from hauling hose lines from their trucks to the home, were told what a good decision it was to ultimately not use water on the unknown substances, to instead call in a specialized hazardous materials team. The man in charge quizzed them, asking the public safety professionals gathered what they might have missed. "Who do I need to tell?" asked Myles Bartos. "Do I need to tell Fire-EMS, hazmat, VDH, DOT? Do we need to do evacuations?" Bartos, an on-scene coordinator for the federal Environmental Protection Agency, helped lead a full scale hazardous materials drill Wednesday in Rockbridge County for more than two dozen local, state and federal law enforcement and public safety agencies, as well as private companies involved in emergency management. The two-day exercise, which continues today at McKethan Park west of Lexington, presents participants with scenarios to train them in dealing with unknown dangerous chemicals, and teaches them how to treat victims and deal with possible contamination... Bartos, who has led two similar exercises in the region before, said the training isn't so much about the specific scenarios they set up as it is about learning to think on your feet. "It's always the same," he said, whether responders are cleaning up a meth lab or a railway spill. "You're identifying what it [the hazard] is and making sure you're communicating to the right person." ...Foresman said the drill cost about \$100,000 and was paid for by the EPA. More than 80 people are participating."

Tom Horton column: The once and future Chesapeake Bay

SALISBURY DAILY TIMES It's common knowledge the healthy Chesapeake Bay described by John Smith in 1608 was greener, its forest extending across more than 90 percent of its six-state watershed. Less appreciated is how much soggy, boggy, swampier and wetter was that good, green watershed. Beavers that likely numbered in the low millions controlled the hydrology of a hundred thousand streams — damming, impounding and essaying upon the landscape a rich and damp mosaic. The term "Great Shellfish Bay" — the American Indians' name for the Chesapeake — might be amended to include "Great Beaver Bay" if we acknowledge the intimate connections between water and watershed. The wetter, better-beavered landscape checked sediment, converted the nitrogenous runoff that plagues today's water quality into a harmless gas, damped the peaks of floods and recharged the bay's rivers during droughts. It created a cleaner, clearer, stabler place for life. Beavies of beavers might be the cheapest way to a better bay, but such legions of tree-felling, land-flooding rodents would conflict too heartily with human schemes. But beaver mimicry is another matter, restoring wetness every way and everywhere we can — from rain gardens throughout suburbia, to strategically placed, engineered wetlands, to retention dams in farm and roadside drainage ditches. Current efforts just scratch the surface of what is possible. Low-lying, poorly drained, heavily ditched farmland everywhere should be a prime target for purchase and reversion to the wild and wet. Retrofitting every paved surface to let stormwater soak in would advance the cause further. We needn't achieve the watershed of John Smith to see results. The bay showed substantial resilience in the face of

increasing human pressures for centuries, truly falling fatally apart only in the 1950s. All these vital and hopeful links between the once and future bay are detailed wonderfully in a unique library in the bay's bottom opened only recently by scientists like Grace S. Brush of Johns Hopkins University.

Critics: Proposed tax could derail natural gas industry in Pa.

PHILADELPHIA INQUIRER Pennsylvania lawmakers from both parties have lobbied hard this spring for a severance tax on natural gas drilling, their voices growing louder as the state's revenue numbers continue to flag. On Tuesday, industry and business leaders pushed back against the proposal, calling it an unfair tax that could strangle production and derail economic progress in the Keystone State. "Make no mistake, these short-sighted tax schemes are based on politics, not economics," said Stephanie Catarino Wissman, executive director of Associated Petroleum Industries of Pennsylvania. "They would destroy job growth and stifle the type of capital investment that is helping our state to grow." Proposals for a severance tax have been bandied about for years, even after the state implemented a local impact fee on natural gas drillers in 2012. That fee has generated more than \$600 million so far, on top of the more than \$2 billion the industry has paid in state taxes since 2007, Wissman said. Natural gas production from Pennsylvania's Marcellus Shale topped 3 trillion cubic feet in 2013, more than double the previous year's production. That's led to more jobs — and not just in the energy business, Wissman said, pointing to a ripple effect on the construction, chemical and even hospitality industries. A severance tax could jeopardize that growth, she said. Gene Barr, president of the Pennsylvania Chamber of Business and Industry, said the severance tax proposals are part of a continual "drum beat" that the state needs more money from businesses. He warned that the tax would likely be passed along to consumers. While Tom Wolf, the frontrunner for the Democratic gubernatorial nomination, has argued the tax would be largely paid for by people outside of Pennsylvania, Barr said it's "small consolation" to know it might be an exportable tax.

State buys, protects large Bayshore tracts near Dover

WILMINGTON NEWS JOURNAL More than \$6 million in federal, state and private funds has expanded Delaware's protected "Bayshore" resource in Kent County, officials announced Wednesday, including a 750-acre addition to the Ted Harvey Conservation Area near Dover. The developments also included investments to protect an additional 2,000 acres of wetlands through two \$1 million grants to the state from the U.S. Fish & Wildlife Service's North American Wetlands Conservation Act. "The land is some of the most ecologically significant habitat in the entire Bayshore region," Department of Natural Resources and Environmental Control Secretary Collin P. O'Mara said. "It's one of the highest-value habitats in the state. It provides incredible flood-mitigation value for a lot of adjacent communities, and it has the potential to be one of the best stops in the state for birding, for hunting, for fishing." About \$4 million in public and private aid went into the overall deal, developed as part of the overall Bayshore initiative, which aims to boost eco-tourism and conserve and protect bay habitats and open space along a wide band from Pea Patch Island to Lewes. "By conserving these lands and providing access to this very special place along the Bayshore, we will support our historic Bay communities and create new opportunities for eco-tourism within the Delaware Bayshore," Gov. Jack Markell said. The largest single part of the conservation developments announced Wednesday, the purchase of the Vance Morris Tract, permanently protected 315 acres of

wetlands, 388 acres of farmland and 38 acres of upland forest. More than 4,000 acres of already protected public and private lands around the St. Jones River, including the Ted Harvey Conservation Area, St. Jones Reserve and the John Dickinson Plantation, are connected to the Morris property, DNREC officials said.

PENNSYLVANIA

PHILADELPHIA INQUIRER

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Protesters decry plan to convert NJ coal plant to gas UPPER TOWNSHIP, N.J. A group of environmental advocates marked Earth Day on Tuesday by demonstrating against a plan to convert the B.L. England coal-fired electrical generation plant to gas, saying a new plant was unneeded and would be a new source of pollution. Jeff Tittel, director of the New Jersey Sierra Club, called the site "ground zero" and "the most important location in New Jersey when it comes to protecting the future of the environment." Tittel and other speakers described the existing plant, which has been in violation of state and federal emissions regulations for decades, as an example of the kind of fossil fuel-based plants they want to see replaced with renewable energy sources, such as wind or solar power. In January, the New Jersey Pinelands Commission rejected a waiver sought by South Jersey Gas Co. to build a 22-inch natural gas pipeline to the plant through 15 miles of the Pinelands, including about 10 miles of protected forest. Tittel, who along with most of the others here Tuesday fought the pipeline proposal, told about 20 people at the demonstration that "we'll never have a more important Earth Day" than this. Most of the demonstrators wore small signs reading "Pines Not Pipes" and larger signs that read "Environmental Disaster" or "B.L. England No, Solar Yes." Various speakers asserted that while a gas plant would produce less particulate pollution than the existing plant, which burns bunker oil and rubber tires in addition to coal, a gas plant would generate methane and even finer particulates than coal soot, and would continue to discharge "scalding" cooling water into Great Egg Harbor River, depleting its oxygen.

PITTSBURGH POST-GAZETTE

Range Resources makes case for Deer Lakes Park drilling For eight months, members of Allegheny County Council have been "getting hammered," Councilman John Palmiere said. People have stepped up to the microphone in council chambers at the Allegheny County Courthouse, expressing worries about a plan to lease the land beneath Deer Lakes Park for natural gas drilling. Wednesday night, Mr. Palmiere, a Banksville Democrat, leaned into his own microphone. "Are any of these concerns legitimate?" he asked. This time, it was Range Resources fielding the questions. A six-man panel of representatives from Range, including John Applegath, the senior vice president for the Southern Marcellus Shale division, appeared before council members at the parks committee's second meeting about the Deer Lakes plan. County Executive Rich Fitzgerald has proposed a lease with Range for the mineral rights beneath the 1,180-acre park. The lease, which would yield a \$4.7 million bonus payment, \$3 million for the parks improvement fund and 18 percent royalties, would allow no drilling operations on the surface of the park. Instead, horizontal wells would extend beneath the park from three well pads on private property. Council will be voting on an ordinance that permits the leasing of the mineral rights beneath the park. Range representatives answered questions and presented a 90-minute PowerPoint presentation and video, covering topics ranging from the mechanics of the drilling process to Range's leasing footprint in communities including Frazer and West Deer around Deer Lakes to the company's safety record. To Mr. Palmiere's question, Barry Osborne, land manager for Range, said the concerns are understandable. But he said: "No, the concerns are not legitimate if you do your homework." Mr. Palmiere said he had been doing his

homework. "I feel that some of these arguments, and some of these people's concerns, are real," he said, citing worries about air, groundwater and noise pollution, as well as the effect on property values.

Insiders say manufacturing still at a disadvantage There's a deeper appreciation of what manufacturing can do for the struggling economy, but that has not resulted in more pro-manufacturing policies, according to a senior official of the National Association of Manufacturers who was in Pittsburgh on Wednesday. "The good news is that manufacturing has an outsized voice," said Arik Newhouse, NAM senior vice president, in an interview. "We have what everybody is talking about: jobs and growth." But Mr. Newhouse, who spoke at the Pittsburgh Technology Council's Made in PA Expo at the Monroeville Convention Center, said federal policies on energy, taxes, trade and other issues continue to put the industry at a disadvantage. He cited what the association calls the White House's "meritless" decision to put off deciding whether to approve the Keystone XL pipeline, which would carry Canadian crude oil to Gulf Coast refineries. The White House announced the latest delay Friday... Rising energy costs were one concern of those who listened to his speech Wednesday, Mr. Newhouse said. One person told him the U.S. Environmental Protection Agency's decision to limit emissions from coal-powered electric generating plants is raising energy costs for manufacturers in Pennsylvania and other states that rely on coal-generated energy. A 2011 National Association of Manufacturers study found that, despite lower energy costs, U.S. manufacturers were at a 20 percent cost disadvantage compared to manufacturers located in countries that are major U.S. trading partners. "The EPA is sitting there saying, 'We're going to make that hole deeper,'" Mr. Newhouse said.

Letter: Frack pit hazards I am responding to the April 18 article "Gas Drilling Wastewater Leak Found in Amwell," which showed the risks posed by fracking. As this story makes clear, the state's residents desperately need the Pennsylvania Department of Environmental Protection to halt the use of dangerous fracking waste pits in the commonwealth. Fracking wastewater is dangerous to our health, communities and our environment — containing toxic carcinogens like benzene and poisonous heavy metals like arsenic and lead; it is often contaminated with radioactive materials. The last thing we need is to put massive holding ponds the size of a football field with this toxic pollution near people's homes and in our communities. As this story shows, fracking wastewater pits can and often do fail. They overflow and send toxic pollution into nearby waterways or into drinking water supplies; they release harmful chemicals into the air; and in some cases, they've even exploded or caught fire due to the high levels of volatile chemicals found in the wastewater. Recently, more than 15,000 individuals called on the DEP to ban these hazards. This is just one more example of why DEP should take action as soon as possible.

PITTSBURGH TRIBUNE REVIEW

State to kick in \$2 million for Glade Run Lake restoration Gov. Tom Corbett announced on Wednesday the state will kick in another \$2 million for the restoration of Glade Run Lake in Butler County. At a news conference at the drained lake in Middlesex Township, Corbett said the capital budget money will help pay for restoration work at the site. The Fish and Boat Commission drained the lake in June 2011 because the dam was leaking. "It's important to get something like this up and running," said Corbett, a Shaler resident who is seeking re-election.

Plans for the \$4.3 million renovation project call for construction to begin in April 2015 and wrap up in June 2016. The lake, however, would take some time to refill and likely wouldn't be ready for fishing or other recreation until 2017, said Michele Jacoby, chief engineer for the project from the Fish and Boat Commission. Chilly temperatures didn't discourage a bevy of government officials from turning out for Corbett's press conference along Glade Run Lake. They included state Sen. Don White, R-Indiana, state Sen. Scott Hutchinson, R-Venango, John Arway, executive director of the Fish and Boat Commission, Butler County commissioners, Middlesex Township supervisors and others. The Glade Run Lake Conservancy, a grass-roots citizens group, has been spearheading efforts to restore the lake since it was drained. They've raised about \$300,000 for the project through a combination of fundraising and \$110,000 from Butler County. In addition to the \$2 million from the state's capital improvement budget, the Fish and Boat Commission has pledged \$2 million for the project. "Thank God for giving us this lake back," said Sigmund J. "Siggy" Pehel III, conservancy president.

DEP: Chevron gas well blast did not foul air An explosion and fire that killed a worker at a Chevron gas well in Greene County did not foul the air, state regulators said Wednesday. The Department of Environmental Protection took air samples from several locations around the Marcellus shale gas well in Dunkard for nine days after the Feb. 11 explosion and found no pollutants at unhealthy levels. The tests found elevated levels of propane and chemicals that come from oil, but the department could not say for sure they came from the blast and resulting leak, which was capped on Feb. 20. The department is investigating the incident but has sent Chevron a notice of violations, charging that the company blocked state inspectors from accessing the site the day of the explosion. The blast and fire injured a worker and killed Ian McKees, 27, of Warren, a field service technician for subcontractor Cameron International.

STATE IMPACT PENNSYLVANIA

Royalties bill stalled in state legislature A bill aimed at guaranteeing minimum royalty payments to landowners who have leased their property for natural gas drilling has hit a snag in the state legislature, according to the Towanda Daily Review. Speaking at a meeting on Tuesday of the Bradford County Council of Republican Women, Baker, R-Wellsboro, said that the leadership of the Pennsylvania House has not yet allowed the bill to come up for a vote on the floor of the House.

DEP says residents not exposed to harmful air pollution during Chevron well fire Nearby residents and emergency crews that responded to a February explosion at a natural gas well site in southwest Pennsylvania were not exposed to harmful air pollution, according to the state Department of Environmental Protection. In a report released Wednesday, the department said it collected air samples near the Chevron well site in Dunkard Township, Greene County for nine days after the fire started. The samples were analyzed for 57 pollutants and the DEP detected elevated levels of only three chemicals: heptane, trimethylbenzene and propane — none of which were found to pose a public health hazard.

DELAWARE COUNTY DAILY TIMES

Gas drillers fight back against proposed severance tax Pennsylvania lawmakers from both parties have lobbied hard this spring for a severance tax on natural gas drilling, their voices growing louder as the state's revenue numbers continue to flag. On Tuesday, industry and business

leaders pushed back against the proposal, calling it an unfair tax that could strangle production and derail economic progress in the Keystone State. “Make no mistake, these short-sighted tax schemes are based on politics, not economics,” said Stephanie Catarino Wissman, executive director of Associated Petroleum Industries of Pennsylvania. “They would destroy job growth and stifle the type of capital investment that is helping our state to grow.” Proposals for a severance tax have been bandied about for years, even after the state implemented a local impact fee on natural gas drillers in 2012. That fee has generated more than \$600 million so far, on top of the more than \$2 billion the industry has paid in state taxes since 2007, Wissman said. Natural gas production from Pennsylvania’s Marcellus Shale topped 3 trillion cubic feet in 2013, more than double the previous year’s production. That’s led to more jobs — and not just in the energy business, Wissman said, pointing to a ripple effect on the construction, chemical and even hospitality industries. A severance tax could jeopardize that growth, she said.

HARRISBURG PATRIOT NEWS

Lebanon County residents forming group to oppose natural gas pipeline Some residents who object to a proposed natural gas pipeline through Lebanon County are planning an organizational meeting for 7 p.m. Thursday on the third floor of the William Penn restaurant building, 629 Cumberland Street, Lebanon. Oklahoma-based Williams Partners came to the Lebanon County commissioners in February to talk about plans to build a 176 mile pipeline to bring natural gas from the Marcellus shale in northeast Pennsylvania to markets throughout the east coast. It will connect to the 10,200 mile Transco pipeline, which runs from the New York City area to the Gulf Coast in Texas. Ann Pinca, one of the organizers of Thursday's meeting, said she is concerned about environmental impacts, safety risks and property values of a pipeline that won't directly benefit Lebanon County residents. “Trees will be cut down across Blue Mountain, and we don't have a lot of continuous forest in Lebanon County,” she said. “What really bothers me, my overall concern, is that this pipeline isn't going to benefit the county.” She said there have been reports of explosions on pipelines and compression stations owned by Williams Brothers. The pipeline would “limit people’s rights in order to profit corporations,” she said. The \$2 billion Atlantic Sunrise Expansion Project would travel through 27 miles of Lebanon County in South Londonderry Twp., South Annville Twp., North Annville Twp., East Hanover Twp. and Union Twp. It will cross under the Swatara Creek and seven of its tributaries.

Gas driller trying to learn why state filed criminal charges but EPA did not WILLIAMSPORT — A Texas natural gas company is trying to learn why the state attorney general’s office filed criminal charges in connection with a 2010 fracking fluids spill when the federal Environmental Protection Agency did not. XTO Energy wants Lycoming County Judge Marc F. Lovecchio to order the attorney general to review the federal documents it believes contain material that led to EPA to decide not to file charges. It claims it is entitled to any exculpatory evidence in the EPA files. The subsidiary of Exxon Mobile is awaiting trial on state criminal charges that allege it was responsible for the discharge of thousands of gallons of fracking fluids from an unsecured natural gas well site in Lycoming County in 2010. The case is controversial because the state filed charges after EPA sued XTO over the same discharge, then settled without an admission of wrongdoing by XTO. XTO alleges EPA and the state attorney general coordinated the investigation with the federal agency initially taking the lead in 2011. The attorney general’s office denies there was a joint investigation. However, XTO claims on June 29, 2011, its counsel met with federal justice and state attorney general officials. It also contends a May 21, 2012,

meeting in Harrisburg attended by XTO, Justice Department, EPA and state Department of Environmental Protection representatives but not the state attorney general's office was to begin negotiating a possible civil solution of state and federal matters.

POTTSTOWN MERCURY

Sunoco reps meet with angry residents about pump station in Chesco WEST GOSHEN —

Sunoco Pipeline representatives were bombarded with questions and criticisms from a packed room Tuesday night during a public forum hosted by West Goshen. The two-hour-long forum, held at West Chester Area School District's East High School on Ellis Lane, first began with Sunoco representatives providing a presentation on its Mariner East project and pump station on Boot Road. Following the presentation, residents were able to ask questions. Sunoco's Mariner East Project pipeline and facilities have brought criticism and complaints from residents and local officials who say that the pipeline, and related above-ground facilities, will cause harm to the environment and raise safety concerns for those living in proximity to them.

TOWANDA DAILY REVIEW

House Bill 1684 hits a snag House Bill 1684, which is intended to guarantee a 12 1/2 percent minimum royalty payment to landowners, regardless of the amount of post-production costs that a gas drilling company incurs, has hit a snag, state Rep. Matt Baker said on Tuesday. Speaking at a meeting on Tuesday of the Bradford County Council of Republican Women, Baker, R-Wellsboro, said that the leadership of the Pennsylvania House has not yet allowed the bill to come up for a vote on the floor of the House. There has been a "pushback by a lot of people" to the bill since it was approved on March 17 by the House Environmental Resources and Energy Committee, said Baker, who is one of the prime sponsors of the bill. The leadership of the House and others have concerns about the bill related to "legality issues and constitutionality issues" and other matters, he said. "We hope to get a vote on it (on the House floor)," said Baker. "I really believe it will pass" in the House if it is brought up for a vote, he said. As a result of deductions from royalty checks for post-production costs, many local landowners are receiving royalty payments of 5 percent or less, Bradford County Commissioner Daryl Miller has said. The intent of House Bill 1684 is to guarantee that landowners will receive the 12 1/2 percent minimum royalty that was guaranteed to them in a 1979 state law, regardless of the amount of post-production costs incurred by a gas drilling company, Baker said.

WASHINGTON, D.C.

WASHINGTON POST

To get a permit for Potomac project, you must first understand the process *Dan Wittenberg bought about 13 acres of land in the Potomac River flood zone in St. Mary's County because of his love of sailing and windsurfing. Eight years ago, with no special real estate or construction skills, Wittenberg built an 800-square-foot cottage there (the maximum permissible on that 566,000 square foot lot). Now he's chronicling his attempt to build something special that will pass regulators' muster on a just-purchased one-third of an acre waterfront parcel next door. This is his fifth installment.* While still deep in the before-even-applying-for-a-building permit stage of this project, I'm already spending a

considerable amount of effort to comply with the myriad state and county regulations concerning the performance of any construction-related work whatsoever along the shores of the Chesapeake Bay and its tributaries.

WAMU-RADIO (NPR)

Supreme Court Hears Arguments On Contaminants The Supreme Court heard oral arguments today that could have far-reaching impacts for troops and their families exposed to contaminants. Two years ago, President Obama signed a law providing medical compensation for Marines and their families who drank contaminated water at North Carolina's Camp Lejeune. Retired Master Sgt. Jerry Ensminger lost his 9-year-old daughter Janey to Leukemia after being stationed at the base. He's shocked the Obama administration tossed its weight behind a Supreme Court case that could upend the bill the president signed. "I feel betrayed," Ensminger says. At issue is whether it's constitutional for a state to give people only a 10-year window to file lawsuits after a company has stopped polluting. Consumer Advocate Erin Brockovich says that's not enough time, and the case could set terrible precedent for states in the region. "For all of us—and there [are] so many polluted sites across the country—after that timeframe, even if you get cancer, you have no recourse," Brockovich says. Ryan Murray, who represents the company accused of polluting, says federal lawmakers intended to give states broad latitude in carrying through with the congressional mandate to clean up contaminated sites. "We believe the Congress acted very narrowly in what is traditionally a broad state responsibility—area of state law—and we think they said what they meant and meant what they said." Critics fear upholding the North Carolina law will bring a flood of similar bills from across the United States.

DELAWARE

WILMINGTON NEWS JOURNAL

State buys, protects large Bayshore tracts near Dover More than \$6 million in federal, state and private funds has expanded Delaware's protected "Bayshore" resource in Kent County, officials announced Wednesday, including a 750-acre addition to the Ted Harvey Conservation Area near Dover. The developments also included investments to protect an additional 2,000 acres of wetlands through two \$1 million grants to the state from the U.S. Fish & Wildlife Service's North American Wetlands Conservation Act. "The land is some of the most ecologically significant habitat in the entire Bayshore region," Department of Natural Resources and Environmental Control Secretary Collin P. O'Mara said. "It's one of the highest-value habitats in the state. It provides incredible flood-mitigation value for a lot of adjacent communities, and it has the potential to be one of the best stops in the state for birding, for hunting, for fishing." About \$4 million in public and private aid went into the overall deal, developed as part of the overall Bayshore initiative, which aims to boost eco-tourism and conserve and protect bay habitats and open space along a wide band from Pea Patch Island to Lewes. "By conserving these lands and providing access to this very special place along the Bayshore, we will support our historic Bay communities and create new opportunities for eco-tourism within the Delaware Bayshore," Gov. Jack Markell said. The largest single part of the conservation developments announced Wednesday, the purchase of the Vance Morris Tract, permanently protected 315

acres of wetlands, 388 acres of farmland and 38 acres of upland forest. More than 4,000 acres of already protected public and private lands around the St. Jones River, including the Ted Harvey Conservation Area, St. Jones Reserve and the John Dickinson Plantation, are connected to the Morris property, DNREC officials said. The Ted Harvey conservation area itself will grow to 3,385 acres and boost the amount of protected Bayshore land statewide to more than 115,000 acres.

Del. ponds take creative forms, serve vital functions Nestled in a rural stretch of Kent County is a uniquely shaped body of water. From the ground it looks like any other small pond with thickets of high grass, small trees just starting to embrace spring's warmth and fresh water teeming with fish, wildlife and unseen microbes. But from a bird's-eye view, or a plane for that matter, this pond looks exactly like a map of Delaware. Its top is curved, the left edge has a 90-degree angle and its right edge snakes haphazardly top to bottom, shaped by the waters of the Delaware Bay and Atlantic Ocean. The pond contains three small islands. One each where Wilmington, Dover and Georgetown would be. It's no accident. The First State pond, along with six other distinctly-shaped ponds scattered across Kent and Sussex counties, are man-made wetlands designed and built by federal, state and local environmental officials and used to replicate and replace wetlands lost during the development of farmlands. The other ponds look like spaceships, frogs, roosters, stumps and pigs. Call them Delaware's environmentally friendly crop circles of sorts placed on land mostly owned by the state Division of Fish and Wildlife. Richard Gorlich, an agricultural engineer with the United States Department of Agriculture's Natural Resources Conservation Service and the pond's designer, said he came up with the idea around 1990. A lot of wetland mitigation at the time involved rectangular ditches filled with water, he said. "I was young and out of school and said why don't we make them out of shapes," Gorlich said. "So I did one in the shape of Delaware and another in the shape of a spaceship."

Red Clay wins national award for going green Red Clay School District is one of only nine districts and 48 schools in the country to win national recognition for environmental sustainability. The White House Council on Environmental Quality and the U.S. Department of Education gave Red Clay its "Green Ribbon" award, which honors districts on the cutting edge of reducing environmental impact and utility costs while promoting better health and environmental education. National officials lauded the district for a long list of efforts, including the naming of a dedicated energy manager to monitor consumption, purchasing electricity and natural gas from third-party vendors and buying solar power. The district's Energy Excellence Program is credited with saving the district more than \$1 million each year since its start in 2005. "I'm really looking forward to when the kids get back from spring break to tell them about this," said Ted Ammann, the district's assistant superintendent of district operations. "Our goal has been to involve them in this process, so I think they'll be excited about it."

WEST VIRGINIA

CHARLESTON GAZETTE

Patriot Coal considering layoffs Patriot Coal said Wednesday it is considering layoffs at two West Virginia mining complexes that employ about 850 workers. In a prepared statement, St.

Louis-based Patriot said it had warned all employees at its Wells complex near Wharton and its Corridor G operation near Danville of potential layoffs. The 60-day “WARN” notices are required under the federal Worker Adjustment and Retraining Notification Act. Patriot indicated it had not determined exactly what would happen at either complex, saying that mine management “will be evaluating operations and staffing to assess their ability to produce coal at a cost below projected sales prices.” “The scope of the anticipated downsizing will be communicated at the conclusion of that process,” the company said in its prepared statement. Patriot’s announcement comes four months after the company emerged from a bankruptcy reorganization and amid continued troubles for the Central Appalachian coal industry, which faces stiff competition from natural gas and other coal basins, the depletion of many of the region’s easy-to-mine coal seams, and tougher environmental rules. “These actions are an unfortunate but necessary step to align Patriot’s production with expected sales,” Patriot CEO Ben Hatfield said. “Both metallurgical and thermal coal markets continue to be challenging, with pricing at levels well below production costs at many Central Appalachian mines. Despite the savings we achieved in our reorganization, the production costs of these mines exceed today’s depressed prices, necessitating these actions.”

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- See more at:

<http://wvgazette.com/article/20140423/GZ01/140429677/1101#sthash.xn8C9HeU.dpuf>

MSHA rule cuts miners' coal dust exposure The Obama administration on Wednesday finalized a long-awaited rule aimed at protecting coal miners from black lung by reducing their exposure to dust that causes the deadly disease. U.S. Department of Labor officials say the new rule will lower legal dust-exposure limits, close loopholes and improve sampling practices. The changes are part of the agency's broad effort to end a disease that continues to kill miners, more than four decades after a federal law made eliminating such deaths a national priority. "Working should never be a death sentence in America," Labor Secretary Thomas E. Perez told reporters. Officials said the final rule will increase sampling in mines and make use of new technology to provide real-time information about dust levels, allowing miners and coal operators to make adjustments, instead of letting overexposures continue. The rule will be phased in over a two-year period "to give the industry the time it needs to adjust to the new requirements," the Labor Department said. "We are finally moving forward to overhaul an outdated program that has failed to adequately protect miners from breathing unhealthy levels of coal mine dust and achieving the intent of Congress to eliminate black lung disease," said Joe Main, director of the Mine Safety and Health Administration. Perez and Main announced the new rule at an event in Morgantown, just two days after the final rule emerged from the White House's Office of Management and Budget, where it had been undergoing an economic review since last August. OMB officials met late last year with officials from various coal companies, including Murray Energy and Alpha Natural Resources, as well as with the United Mine Workers union, to discuss the proposed rule. The final rule steps back from a 31/2-year-old proposal that would have slashed the legal dust limit in half, from 2.0 milligrams of dust per cubic meter of air to 1.0 milligram per cubic meter. After intense opposition from the coal industry and congressional Republicans, the final rule sets the dust limit at 1.5 milligrams per cubic meter, according to a summary included in a Labor Department news release.

CHARLESTON DAILY MAIL

Feds unveil stricter coal dust standards In a long-awaited decision, federal labor and mining officials unveiled new standards for the amount of breathable coal dust permitted in mines and other regulations aimed at ending black lung disease. U.S. Department of Labor Secretary Thomas Perez, Mine and Health Safety Administration official Joe Main and National Institute for Occupational Safety and Health Director John Howard made the announcement Wednesday morning in Morgantown. "Today we advance a very basic principle: you shouldn't have to sacrifice your life for your livelihood. But that's been the fate of more than 76,000 miners who have died at least in part because of black lung since 1968," Perez said in a news release. "I believe we can have both healthy miners and a thriving coal industry. The nation made a promise to American miners when we passed the Coal Act in 1969 — with today's rule we're making good on that promise." The final 991-page rule adopts a portion of the proposal that called for cutting the amount of breathable coal dust concentration limits in half. Instead of cutting the allowable amount in half — from 2 milligrams of dust per cubic meter of air to 1 — the final rule instead met in the middle at 1.5 milligrams per cubic meter. It does cut the standard for "certain mine entries" and miners who already have black lung from 1 milligram per cubic meter to 0.5. The proposed rule also requires more testing from mines for dust levels, immediate action by the mining companies when dust levels are too high, more medical monitoring of miners and technology to test for dust levels in real time. The real-time technology, continuous personal dust monitors, must be worn "by miners in high-risk occupations," according to an MSHA fact sheet about the rule.

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- See more at:

<http://www.charlestondaily.com/article/20140423/DM01/140429596#sthash.WukCOgjk.dpuf>

PARKERSBURG NEWS AND SENTINEL

Belpre-area company handling spill runoff BELPRE - Some runoff water from the Charleston site where a January chemical spill into the Elk River affected the water supply for 300,000 West Virginians is being brought to and treated at a Washington County facility.

WEST VIRGINIA METRO NEWS

Patriot Coal to lay off at least 100 Boone miners ST. LOUIS, Mo. — Patriot Coal announced plans Wednesday to lay off miners at two large operations in Boone County. Patriot issued 60-day WARN Act notices for its Wells mining complex near Wharton and its Corridor G mining complex near Danville. “What our WARN notice specifies is that we believe that at least 50 people are likely to be laid off (or) furloughed at each of those locations,” Patriot president and CEO Ben Hatfield said Wednesday on MetroNews “Talkline.” Hatfield said the metallurgical and thermal coal markets continue to be challenging. There are nearly 850 workers at the two complexes but Hatfield said it would be “highly unlikely” that everyone would lose their jobs. He said for now it would probably be at least 100. “We’re working hard, frankly, to minimize the number (of layoffs),” he said. “We’re struggling with mines at those locations that are simply operating at cost levels that exceed the prices that we can get at the marketplace. They are literally consuming cash.” The Wells complex, which employs 450 workers, includes the Black Stallion Mine, CC10 Mine and Wells preparation plant. The Corridor G complex has 450 workers and includes the Hobet 21 Mine and Beth Station preparation plant.

WHEELING INTELLIGENCER

No Action Against Williams For Marshall Pipeline Blast MOUNDSVILLE - Although the West Virginia Department of Environmental Protection declared the April 5 Williams Energy natural gas pipeline rupture an "explosion" resulting in fire that scorched trees over a 2-acre area, the agency found no groundwater contamination. Therefore, DEP spokesman Kelley J. Gillenwater said the event that forced residents along Middle Grave Creek Road to evacuate amid the blast and fire will not result in a citation against Tulsa, Okla.-based Williams. "Based on the results of its preliminary investigation, the DEP has found no evidence that the pipeline explosion in Marshall County affected groundwater and therefore is planning no enforcement action at this time," Gillenwater said. Gillenwater previously said the DEP's Office of Oil and Gas, which is the arm of the agency tasked with issuing drilling permits, turned the investigation over to the Environmental Enforcement division. According to Williams, the ruptured 12-inch pipeline leads to the Oak Grove site, which is one of three Williams points of operation the company has in Marshall County, along with the Fort Beeler site along U.S. 250 and the fractionation site along W.Va. 2. "The rupture most likely occurred at a weld point in the pipeline, which was buried and along a steep slope," Gillenwater said, adding there was anywhere from 600-900 pounds per square-inch of pressure on the line at the time. Williams spokeswoman Helen Humphreys said her company is glad to cooperate with the DEP. "We appreciate the DEP's objective evaluation. We continue to investigate alongside them," she said.

ASSOCIATED PRESS (W. VA.)

Sutton Lake cleanup set for May 3 HUNTINGTON, W.Va. (AP) — Sutton Lake's annual cleanup is set for May 3. The U.S. Army Corps of Engineers is seeking volunteers for the spring event, which will be held from 10 a.m. to 2 p.m. A cookout will be held afterward at the Bee Run Day Use Area. Bags, gloves, grabbers and other supplies will be provided.

W.Va. wildlife agency plans turkey survey CHARLESTON, W.Va. (AP) — West Virginia hunters can help the state track the wild turkey population by participating in an annual survey. The Division of Natural Resources began a statewide survey of spring gobbler hunters in 1983. Curtis Taylor, chief of the division's Wildlife Resources Section, says hunters keep a daily record of things like the number of gobblers heard, called in, missed and harvested. They also can list other wildlife seen and share their most memorable experiences. Data from the survey is tabulated and compared against previous years in a report that is then mailed back to participants the next year. Hunters who wish to participate can get a form online at www.wvdnr.gov or call 304-637-0245. Spring gobbler season begins Monday and continues through May 24.

W.Va. officials promote drug take-back effort CHARLESTON, W.Va. (AP) — A federal prosecutor and a West Virginia sheriff's office are promoting awareness of a prescription drug collection effort set for this weekend. U.S. Attorney Booth Goodwin and the Kanawha County Sheriff's Office have scheduled a National Prescription Drug Take-Back kickoff event for Wednesday morning in St. Albans. The goal is to spread the word about West Virginia's participation in Saturday's prescription drug collection effort. The U.S. Drug Enforcement Administration and other agencies will be collecting expired, unused and unwanted prescription drugs at several designated drop-off sites throughout the state. Past take-back events have collected more than 13 tons of unwanted prescription drugs in West Virginia and more than 1,700 tons nationwide.

Natural gas-fired power plant planned in W.Va. MOUNDSVILLE, W.Va. — Developers say a natural gas-fired power plant is planned in West Virginia's Northern Panhandle. Officials for Moundsville Power and the Regional Economic Development Partnership of Wheeling unveiled the plans for the \$615 million plant at a Marshall County Commission meeting Tuesday. Moundsville Power managing partner Andrew Dorn says developers have filed air quality permits and hope to begin construction next spring near a Williams Energy processing plant along the Ohio River. The Intelligencer and Wheeling News-Register reports the project would create up to 500 construction jobs, while the plant would employ 30 full-time workers. The plant would generate up to 549 megawatts of electricity when operational by 2018. The project comes as American Electric Power prepares to close its coal-fired Kammer Plant near Moundsville by next year.

MARYLAND

BALTIMORE SUN

City hopes reclaimed brick will pave way to jobs, sustainability For years, Baltimore has fought blight with excavators, clawing down abandoned and decrepit buildings. This month, it started to attack its vacant home problem by hand, signing off on a plan to take apart a selection of houses brick by brick.

Armada Hoffer to build smaller Exelon tower at Harbor Point Construction contract worth \$165 million. The developer of Harbor Point announced Wednesday the selection of a Virginia-based contractor for the \$165 million construction of the first tower on the site.

SALISBURY DAILY TIMES

Tom Horton column: The once and future Chesapeake Bay It's common knowledge the healthy Chesapeake Bay described by John Smith in 1608 was greener, its forest extending across more than 90 percent of its six-state watershed. Less appreciated is how much soggy, boggy, swampier and wetter was that good, green watershed. Beavers that likely numbered in the low millions controlled the hydrology of a hundred thousand streams — damming, impounding and essaying upon the landscape a rich and damp mosaic. The term "Great Shellfish Bay" — the American Indians' name for the Chesapeake — might be amended to include "Great Beaver Bay" if we acknowledge the intimate connections between water and watershed. The wetter, better-beavered landscape checked sediment, converted the nitrogenous runoff that plagues today's water quality into a harmless gas, damped the peaks of floods and recharged the bay's rivers during droughts. It created a cleaner, clearer, stabler place for life. Beavies of beavers might be the cheapest way to a better bay, but such legions of tree-felling, land-flooding rodents would conflict too heartily with human schemes. But beaver mimicry is another matter, restoring wetness every way and everywhere we can — from rain gardens throughout suburbia, to strategically placed, engineered wetlands, to retention dams in farm and roadside drainage ditches. Current efforts just scratch the surface of what is possible. Low-lying, poorly drained, heavily ditched farmland everywhere should be a prime target for purchase and reversion to the wild and wet. Retrofitting every paved surface to let stormwater soak in would advance the cause

further. We needn't achieve the watershed of John Smith to see results. The bay showed substantial resilience in the face of increasing human pressures for centuries, truly falling fatally apart only in the 1950s. All these vital and hopeful links between the once and future bay are detailed wonderfully in a unique library in the bay's bottom opened only recently by scientists like Grace S. Brush of Johns Hopkins University.

ANNAPOLIS CAPITAL -GAZETTE

Plastic pollution in Africa a 'real issue' for Arundel High graduate Patrick Halligan sipped a chai tea Monday outside the Starbucks at Waugh Chapel Towne Centre. Thirty feet away, construction crews noisily cut holes in the road and installed underground wires. But even with the distraction of the busy jackhammers and happy motorists exiting the coffee chain's drive-thru, Halligan was only thinking of one thing — how to tidy up Africa. Halligan, who graduated from Arundel High School in 2008, co-founded the environmental-minded Live Green Be Green website while attending Fordham University and has used his ever expanding knowledge of green initiatives to help clean up Africa one plastic bag at a time. "The bags are kind of a symbol that a little effort goes a long way," Halligan said. "This project makes the world seem very small." The project entails collecting reusable tote bags, similar to those available at stores such as Wegmans, Trader Joe's and David's Natural Market, and sending them to an African village to be exchanged with villagers for their plastic bags. Halligan works in conjunction with Lori Robinson of the nonprofit Africa Inside, who began the tote bag collection in the U.S. in 2005. In 2013, more than 1,000 members of the Samburu tribe in Kenya, some walking up to 10 miles, participated in the exchange and several thousand plastic bags were collected, keeping them from finding homes in roadside ditches and in trees. Robinson, who has become a frequent visitor to Africa, called plastic bag pollution on the continent "just horrible." "They're hanging from the trees and the wildlife are eating them," she said following last year's exchange. "It's a real hazard on many levels."

CARROLL COUNTY TIMES

Logistics being worked out on stormwater management agreement Sorting out the logistics of a cost-sharing agreement is the next step for Carroll and its municipalities to reduce the burden of state-mandated stormwater projects. At the first Water Resource Coordination Council meeting — between municipal leaders and county staff that work directly on compliance with the county's state stormwater management permit — municipal leaders were handed a three-page draft by county staff that featured 11 different areas — with various questions associated with each — that the county and municipalities may need to work out before a final stormwater management agreement can be reached. One thing that municipal officials agreed on at the meeting was that it was important first to determine exactly how cost-sharing would work under the agreement, and get into other details later, such as what would happen if a municipality defaults on its monetary obligations under the agreement or if a municipality wants to leave the agreement. "I think the cost-sharing ... we have got to get a good agreement on that," said Frank Schaeffer, chairman of the Water Resource Coordination Council. Schaeffer, who is also the town manager of New Windsor, explained that he thought the council would be working backward if it did not determine how cost-sharing would work first. Under a memorandum of intent signed by county commissioners and the eight mayors, the WRCC was chosen as the forum where the priorities for a stormwater agreement would be reached. All parties who signed also agreed to the concepts of the county and municipalities sharing the costs of stormwater

management projects and entering into a joint state stormwater permit. Currently, the county and municipalities are all issued separate state stormwater permits. The signing of the document was a big move, because many municipal leaders feared they would be left on their own to pay for stormwater projects that are expected to be mandated by upcoming state permits. County estimates show that the projects could cost hundreds of thousands of dollars per year for certain municipalities.

MARYLAND GAZETTE NEWSPAPERS

Laurel to celebrate Earth Day with lake cleanup In celebration of Earth Day, Laurel will host a lake and park cleanup Saturday and is inviting community members and youth organizations to join. The cleanup will take place at 10 a.m. at Granville Gude Park, and volunteers will meet at the Gude Lakehouse, located at 8300 Mulberry St. "The goals for the day are to give people a little bit of background about Earth Day and basically do our spring cleaning of the lake after a long winter of snow and debris," said Mike Lhotsky, director of the Laurel parks and recreation department. Lhotsky said between 30 and 80 community members typically attend the city's Earth Day cleanup events, and is hoping for a good turnout this year. Trash bags and gloves will be provided and Earth Day T-shirts will also be available on a first come, first served basis, Lhotsky said. He said he encourages all volunteers to wear appropriate footwear, such as boots or hiking boots. For more information, call the Laurel Department of Parks and Recreation at 301-725-7800.

CHESAPEAKE BAY JOURNAL

Blog: Got Drugs? April 26 Take Back Drug Day Offers Spring Cleaning for the Bay There are some things about spring that are predictable. If, like me, you own a home with any kind of yard and any kind of lawn, you'll probably be doing more yard work to outpace the spring rain, longer days and warmer weather. Then there's the changeover in clothing, from more sweaters to fewer, from pants to shorts. And there's the urge many of us have to do some spring-cleaning. Fortunately, some of that spring-cleaning can make a big difference for local water waterways and the Chesapeake Bay. On April 26 from 10 AM to 2 PM, police departments, hospitals, and schools all over the country -- and the Bay watershed -- will host the eighth National Prescription Drug Take-Back Day. Now held twice a year in April and October, this national initiative helps make sure that out-of-date prescription and over the counter drugs are disposed of in a way that is safe for people, safe for animals, and safe for our waterways. You can use [this link to find a drop-off location near you](#). Since [I wrote about this program last October](#), I've been filling a special plastic zip lock bag that I keep on the top shelf of our linen closet. Outdated medicines from an equally outdated first-aid kit? Into the plastic bag they go. No longer used NSAIDs? Plastic bag for these, too.

VIRGINIA

RICHMOND TIMES-DISPATCH

Local documentary about bay wins at Houston festival A documentary about the Chesapeake Bay has won a platinum award at the 2014 Worldfest-Houston Independent International Film Festival. "Breathing Life Into the Chesapeake: Of Oysters, Boats and Men," a 2013 film about

Virginia watermen harvesting oysters, was produced by David Miller of Miller Productions of Virginia, based in Aylett. The documentary, which has aired on PBS stations across Virginia, was among more than 4,500 entries at the Houston festival, held earlier this month.

NORFOLK VIRGINIAN-PILOT

Virginia Beach plans to aid flood-prone sections VIRGINIA BEACH -- The city is looking to alleviate flooding in several neighborhoods south of Shore Drive that are notoriously some of the first to go underwater when a storm hits. The first part of an initial \$1.5 million project, the placement of five check valves in the Lynnhaven Colony area, is done. Next is the building of three sluice gates along Cape Henry Ditch designed to bar abnormally high tides from flooding adjacent neighborhoods, said Mike Mundy, water resource program manager for the city. Public works will hold an informal open house on the flood gates tonight. Construction is scheduled to begin this fall and wrap up within a year, Mundy said. The gates are planned on Cape Henry Trail at the intersections of West Great Neck Road, North Great Neck Road and First Landing Lane. The two phases of the project should provide protection for 40 houses, 48 garages and nearly 7,500 feet of roadway, according to a presentation submitted to the City Council this week.

Court upholds permit for Stumpy Lake community The State Water Control Board was correct in 2003 when it approved the construction of a large mixed-use community near Stumpy Lake, the Virginia Court of Appeals ruled this week. The ruling does not clear the way for the development of the Tri-City Properties project, though. The Army Corps of Engineers denied the developers a federal permit in 2008. The Chesapeake Bay Foundation and a local group, Citizens for Stumpy Lake, have fought the development for more than a decade and may continue their legal battle with another appeal. Chuck Epes, a foundation spokesman, noted that the decision of the three-judge panel was not unanimous.

NEWPORT NEWS DAILY PRESS

Safe, free disposal of prescription drugs On Saturday, from 10 a.m. to 2 p.m., Peninsula law enforcement agencies and local hospitals are making it easy for the public to dispose of unwanted prescription drugs. The main objective is their safe disposal in order to prevent misuse, and to avoid endangering children and pets. It also reduces the number being flushed down drains. The eighth annual Take-Back Day is part of a U.S. Drug Enforcement Agency initiative that encourages people to dispose of unneeded prescription drugs, whether simply unused or expired. Containers and labels aren't necessary, and no questions are asked. The only exclusions are needles or sharp objects, aerosols and chemotherapy drugs, which are not accepted. Depending on where you live, according to the Food and Drug Administration, inhalers and aerosol products may be thrown into household trash or recyclables, or may be considered hazardous waste and require special handling. To ensure safe disposal, the FDA recommends contacting your local trash and recycling facility. Pharmacists can also offer advice on the safe disposal of unwanted drugs. The FDA, <http://www.fda.gov>, constantly updates its list of drugs recommended for flushing.

Bay Foundation: 2 amicus briefs back cleanup RICHMOND, Va. — The Chesapeake Bay Foundation says more friend-of-the-court briefs have been filed in support of a massive restoration of the estuary. The leading advocate for the bay's cleanup says one amicus brief has

been filed by several cities, including New York, Baltimore, Los Angeles and San Francisco. A second was filed by Florida conservation groups. This month, Virginia's attorney general filed an amicus brief in support of the plan. The briefs have been filed in the 3rd U.S. Circuit of Appeals in Philadelphia. It is considering an appeal by farm industry groups of a ruling upholding the plan. They have been joined by attorneys general from 21 states in a suit that questions the Environmental Protection Agency's authority to implement the plan.

ROANOKE TIMES

Rockbridge County hosts hazardous materials drill LEXINGTON -- In bulletproof vests and flame-retardant coats, they stood outside the turn-of-the-century farmhouse and discussed what went wrong and what went right. The officers, armed with enough weaponry to take down an outlaw biker gang, were lauded for pulling back when they recognized the potentially explosive hazardous chemicals. The firefighters, still sweaty from hauling hose lines from their trucks to the home, were told what a good decision it was to ultimately not use water on the unknown substances, to instead call in a specialized hazardous materials team. The man in charge quizzed them, asking the public safety professionals gathered what they might have missed. "Who do I need to tell?" asked Myles Bartos. "Do I need to tell Fire-EMS, hazmat, VDH, DOT? Do we need to do evacuations?" Bartos, an on-scene coordinator for the federal Environmental Protection Agency, helped lead a full scale hazardous materials drill Wednesday in Rockbridge County for more than two dozen local, state and federal law enforcement and public safety agencies, as well as private companies involved in emergency management.

The two-day exercise, which continues today at McKethan Park west of Lexington, presents participants with scenarios to train them in dealing with unknown dangerous chemicals, and teaches them how to treat victims and deal with possible contamination... Bartos, who has led two similar exercises in the region before, said the training isn't so much about the specific scenarios they set up as it is about learning to think on your feet. "It's always the same," he said, whether responders are cleaning up a meth lab or a railway spill. "You're identifying what it [the hazard] is and making sure you're communicating to the right person." ...Foresman said the drill cost about \$100,000 and was paid for by the EPA. More than 80 people are participating."

ASSOCIATED PRESS (VA.)

Duke Energy: Moving coal ash in NC would cost up to \$10 billion RALEIGH, N.C. — Duke Energy told North Carolina lawmakers Tuesday that removing all of the company's coal ash away from the state's rivers and lakes would take decades and cost up to \$10 billion, with its electricity customers likely footing nearly all the bill. In a presentation to a state legislative committee, Duke's North Carolina president Paul Newton suggested the company needs flexibility to consider more cost-efficient options. The company's proposal is to remove the coal ash stored in unlined dumps at three of its power plants, but then potentially leave much of it at its other sites in place after being covered with giant tarps and topped with soil. Environmental groups are calling for new legislation requiring Duke to move its coal ash to lined landfills away from waterways following the massive Feb. 2 spill from a collapsed pipe in Eden that coated 70 miles of the Dan River in gray sludge. State officials say all of Duke's 33 unlined dumps at 14 coal-fired power plants scattered across the state are oozing out contaminants into the ground. All told, Duke has more than 100 million tons of coal ash that contains numerous potentially harmful chemicals, including arsenic, lead, mercury and chromium.

MISCELLANEOUS

BNA DAILY ENVIRONMENT REPORT

Supreme Court Considers Repose, Limitations Under Superfund Congress's understanding and intention regarding differences between statutes of repose and statutes of limitations is the focal point of questioning by the U.S. Supreme Court during oral arguments on the Superfund law's preemption of time limits for filing state toxic tort claims. Even Justice Antonin Scalia admits he isn't sure of the difference. "To tell you the truth, I've never heard of this distinction between statutes of repose and statutes of limitations," he says.

EPA Considering Spill Prevention Rule, Other Measures for Storage Tanks The Environmental Protection is considering a number of options to prevent and respond to spills from aboveground storage tanks containing hazardous substances, including possible mandatory spill prevention, containment and countermeasure rules for the tanks. Other options include strengthening the planning and preparedness capabilities of local responders and standardizing best practices for drinking water utilities, the EPA said April 23. The agency was responding to Bloomberg BNA questions about its regulation of chemical above-ground storage tanks raised by the leak Jan. 9 from a Freedom Industries aboveground storage tank in Charleston, W.Va. The incident sent thousands of gallons of chemicals into West Virginia's Elk River, contaminating a public drinking water system serving 300,000 people. The EPA said in a statement e-mailed to Bloomberg BNA that the issues raised by the Freedom Industries chemical spill will be addressed in interagency recommendations to be made to President Barack Obama, pursuant to his August 2013 chemical security executive order

GREENWIRE

AIR POLLUTION: Battle lines form as Pa. proposes new power plant regs A newly published Pennsylvania state proposal to regulate air pollution from coal-fired power plants is raising the hackles of environmentalists, who say it does too little to cut down nitrogen oxides (NOx) and volatile organic compounds that have helped put much of the state out of compliance with the federal Clean Air Act. State regulators say the plan has gone through multiple committees and will help protect public health as well as ensure reliable electricity for residents and businesses. The Sierra Club and others question why the biggest power plants aren't being required to always use already-installed technology that dramatically reduces emissions of NOx, which helps form smog. "The data we have on their emissions indicates that many of them are not operating this emission control technology consistently, which means they're polluting about 40 percent more in terms of NOx than they could be," said Tom Schuster, senior Pennsylvania campaign representative at the Sierra Club. So why doesn't the utility industry, which has given more than a million dollars to Pennsylvania politicians every election year since 2006, run its pollution-reduction technologies all the time to cut emissions? "Only the operators know, but I can speculate it saves them a little bit of money to do that because all the power plants in

Pennsylvania sell power based on whoever is cheapest at the time, so if they can bid their electricity into the market a little bit cheaper, that's what they'll do," Schuster said. "But unfortunately, it puts the public health at risk, and we think that's unacceptable."

COAL ASH: Moving ash from N.C. waters would cost \$10B, Duke says Moving all its coal ash away from North Carolina's rivers and lakes would cost up to \$10 billion and take decades, Duke Energy Corp. told state lawmakers yesterday, and electricity customers would be on the hook for most of that money. In the wake of a spill at one of its facilities that dumped more than 30,000 tons of the power plant byproduct into the Dan River, the nation's largest electricity company asked a legislative committee to let it consider more cost-effective ways to move the coal ash. The February spill from a collapsed pipe in Eden, N.C., prompted calls for legislation requiring the company to move its 100 million tons of ash to lined landfills away from waterways. According to state officials, all of Duke's 33 unlined dumps at 14 coal-fired power plants across the state are leaching potentially harmful chemicals, including arsenic, lead, mercury and chromium, into the ground.

WATER POLLUTION: Groups ask appeals court to reconsider strip-mine permit decision Environmental groups are asking the 6th U.S. Circuit Court of Appeals to reconsider a ruling last month upholding a mountaintop-removal coal mining permit in Kentucky. A three-judge panel unanimously held that the Army Corps of Engineers followed the National Environmental Policy Act when it approved dredge-and-fill activities for James River Coal Co.'s Leeco Inc. Stacy Branch mine ([Greenwire](#), March 13). This week, the groups -- including Kentuckians for the Commonwealth and the Sierra Club -- petitioned for a full-court rehearing of the case. Among their arguments, they say the three-judge panel misconstrued the relationship among several environmental laws, including NEPA and the Surface Mining Control and Reclamation Act. "The heart of the panel decision is the flatly erroneous conclusion that the Corps' Clean Water Act authority and corresponding NEPA obligations are diminished by SMCRA," the groups wrote in their petition.

COAL: Obama admin releases landmark 'black lung' rule The Obama administration today released a final rule aimed at protecting coal miners from black lung disease over industry protests.

NEWSMAKER: Ex-EPA chief Jackson enjoying life outside 'Washington bubble' Lisa Jackson is digging her new life in the San Francisco Bay Area. The former U.S. EPA administrator left the Obama administration -- and Washington, D.C. -- last year to take a job as Apple's vice president of environmental initiatives at the company's headquarters in Cupertino, Calif. It's been a big change for Jackson, 52, who spent four years in one of the most controversial positions in the federal government. "It's a very, very different environment outside the Washington bubble, and I think it's really important to be outside of it, and I'm just really enjoying it," she said yesterday in an interview. Jackson has kept a low profile since getting the new gig but spoke with media outlets this week to mark Earth Day by touting Apple's environmental record.

EPA: 'PERCH' pitches in on climate message On the baseball diamond, just call him "Perch." Bob Perciasepe, EPA's deputy administrator, goes by the shortened version of his last name when he's playing baseball. When he took the mound at Nationals Stadium last night to throw

out the ceremonial first pitch to mark Earth Day, "PERCH" was embroidered across the back of his Washington Nationals jersey. "It is my nickname in baseball," he said today in an interview. "When I was younger in school and playing, everybody would just call me Perch, short of Perciasepe." Perciasepe was hoping yesterday's pitch would be a better one than his pitch from the same mound on last year's Earth Day, when he said it was a little off-target. Yesterday, "I threw a strike," he said. "What else could a pitcher ask for?" Behind the plate was Mathy Stanislaus -- the head of EPA's Office of Solid Waste and Emergency Response -- who was also the catcher for Perciasepe's pitch last year. Perciasepe made the strike call himself, he said, since the umpires weren't yet out on the field.

ASSOCIATED PRESS

Labor Department Cuts Coal Dust Levels WASHINGTON (AP) - The Obama administration said Wednesday it is cutting the amount of coal dust allowed in coal mines in an effort to help reduce black lung disease. "Today we advance a very basic principle: you shouldn't have to sacrifice your life for your livelihood," Labor Secretary Thomas E. Perez said. "But that's been the fate of more than 76,000 miners who have died at least in part because of black lung since 1968." Perez was one of several top government officials to announce the long-awaited final rule Wednesday at an event in Morgantown. Black lung is an irreversible and potentially deadly disease caused by exposure to coal dust, where the dust particles accumulate in the lungs. The rule by the Labor Department's Mine Safety and Health Administration lowers the overall dust standard from 2.0 to 1.5 milligrams per cubic meter of air. For certain mine entries and miners with black lung disease, the standard is cut in half, from 1.0 to 0.5. The rule also increases the frequency of dust sampling, and requires coal operators to take immediate action when dust levels are high. In addition, coal mine operators will be required to use new technology to provide real-time dust levels. The requirements will be phased in over two years. "It is a major happening in the coal fields," Joseph A. Main, assistant secretary of labor for mine safety and health, said in an interview before Wednesday's event. "And it's one whose time has really come." Main, who worked as a coal miner in Pennsylvania and West Virginia for about eight years starting when he was 18, said he made a "personal commitment" to helping to eradicate black lung disease. "I personally know miners who have had the disease and died from the disease - the same as other folks who grew up in coal mining communities," Main said.

NEW YORK TIMES

Blog: A Deeper Look at a Study Finding High Leak Rates From Gas Drilling Most efforts to slow the natural gas drilling boom in the United States have focused on questions about the environmental impacts of the process called hydraulic fracturing, or fracking, which occurs deep underground after a well is drilled. That's why a great deal of attention was paid last week to the results of a two-day aerial survey over gas fields in southwestern Pennsylvania that calculated emission rates of methane (the main component of natural gas) from two well pads still in the drilling phase. The emissions rates were between 100 and 1,000 times higher than what would be consistent with Environmental Protection Agency leakage estimates. The study, "Toward a better understanding and quantification of methane emissions from shale gas development," was published in the Proceedings of the National Academy of Sciences and undertaken by Dana R. Caulton and Paul B. Shepson of Purdue and a host of co-authors, including Anthony Ingraffea and Robert Howarth, Cornell scientists who are prominent foes of fracking, along with Renee Santoro of Physicians Scientists & Engineers for Healthy Energy, a nonprofit group that has

been critical of fracking* (Ingraffea is affiliated with the group, as well). Much of the news coverage and commentary was greatly oversimplified, implying that airplane measurements taken on two days in 2012 and showing high methane levels over a handful of wells (and nothing unusual over almost all the other wells in the region) pointed to an extraordinary new pollution and climate change risk. A case in point was this Climate Central post: “Huge Methane Leaks Add Doubt on Gas as ‘Bridge’ Fuel.”